

# Temporary Use of Public Space for Construction Purposes

*Adopted – Council 22 August 2003*

Council resolved to:

- a) Adopt the policy for 'temporary use of public space for construction purposes'
- b) Require all persons making an application for temporary use of public space for construction purposes to sign off on LTORR's prior to works commencing;
- c) Require inspections, at the applicant's cost, during and after completion of the activity, to ensure that the conditions of the LTORR are complied with; and
- d) Research and develop a Temporary Use of Public Space for Construction Purposes Bylaw.

## **A. Policy Title**

### **Temporary Use of Public Space for Construction Purposes**

## **B. Definitions**

'Temporary Use' is defined as any use that will take place within a finite time frame.  
'Public Space' is defined as every public thoroughfare, park, reserve, lake river or place to which the public have access with or without the payment of a fee, and which is under the authority of the District Council by whatever means.

Note that, for the purposes of this Policy, 'Public Space' does not include reserves covered under the Reserves Act 1977.

## **C. Scope of Policy**

This policy applies to all temporary use of public space for construction purposes.

Examples of temporary use of public space for construction purposes include:

- The use of a road, footpath, reserve, walkway, foreshore or any other public space, to store materials on;
- The use of a road, footpath or any other public space as a platform for machinery, cranes, loaders, trucks, caravans, offices, sheds, jumbo bins, mini skips, containers, etc;
- The use of a road, footpath or any other public space for on-site vegetation trimming and/or removal;
- Any on-site use of cranes and similar machinery operating over a road, footpath or any other public space;
- Any structure such as a ramp, parking platform, hording, gantry, or temporary garaging, on a road, footpath or any other public space;
- Reserved or non legal parking; and
- Any activity that will affect regular pedestrian and/or vehicle traffic flows.

#### **D. Matters to be Considered when Addressing Applications**

Consent for the temporary use of public space for construction purposes shall only be granted where no other alternative for undertaking the proposed activity exists. Developers must plan and implement their development on the basis that they must contain all effects of the development within their site.

Prior to any applications for the temporary use of public space for construction purposes being granted or declined, the following issues shall be considered by the Council:

- Potential adverse effects on the safety of pedestrians;
- Potential adverse effects on traffic flows;
- Potential adverse effects on visual amenity values of the surrounding area;
- Potential damage to public estate;
- Hours of operation and noise, and the potential adverse effects on surrounding amenity values;
- Potential adverse effects on adjoining landowners and users;
- Potential degradation of the immediate and local environment in the long term;
- Potential disturbance of community events and activities; and
- Potential loss of income associated with parking and/or any other economic cost to the Council and community.

Prior to any applications for the temporary use of public space for construction purposes being granted or declined, the Council shall consider whether the proposal shall have any benefit to the wider community, eg enhancement of amenity values associated with the public space in question, or the wider benefits to be gained from allowing construction from an off site location, and the relative safety of development on site versus construction from adjoining public space.

#### **E. Objective of the Policy**

It is the objective of this policy to ensure that;

1. All those issues listed above are addressed prior to any consent for temporary use of public space for construction purposes being granted.
2. That any temporary use of public space for construction purposes does not result in adverse affects that are more than minor.
3. That there is public benefit to the wider community associated with the temporary use of public space for construction purposes.

#### **F. Dispensations**

All activities described in this policy will be required to comply with the standards set out in it. The following activities shall however be exempt from the requirement to obtain an LTORR (provided that they are not appended to any other activity subject to this Policy):

1. Parking of light motor vehicles (less than 3000kg) within legal parking areas for extended periods of time, provided that, where necessary, Council's authorisation has been obtained;
2. The use of legal access by light motor vehicles;
3. Passage for persons, goods and materials, provided that all goods and materials shall be carried by hand;

4. The erection and/or removal of signs, lighting and similar appendages from buildings, provided that the activity does not continue for longer than three hours and does not cause a disruption to pedestrian or traffic flows;
5. The removal of vegetation with handheld tools;
6. Council works (where the requirements to comply with these standards will be specified in contracts); and
7. Any other categories of works authorised as exempt by the Queenstown Lakes District Council's CEO (noting that a consistent approach must be taken to all applicants).

#### **G. Mandatory Conditions**

All persons seeking permission for temporary use of public space for construction purposes will be required to comply with the following conditions:

- All activities must be undertaken in accordance with the Department of Labour's Occupational Safety and Health (OSH) Service's standards for the work environment;
- Where an activity has the potential to effect pedestrian and/or vehicle movement, a Traffic Management Plan, in accordance with Transit New Zealand's Code of Practice for Temporary Traffic management, must be prepared and implemented at the applicant's cost.
- A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the subject site. That plan shall be independently audited at the applicant's expense.
- The applicant is liable for any damages and/or reinstatement of Council's or any other person's property that may arise from the proposed activity (ie reinstatement of footpaths, road markings etc). A bond may be taken for that purpose.
- Where no other public benefit to the wider community is offered by the applicant, compensation for use of the land shall be sought in accordance with the following formula:

To be determined (Example: Days of use x (rateable value of land/365) x 1/10 = Applicable Fee)

#### **H. Other Conditions**

Where appropriate, persons applying for the temporary use of public space for construction purposes may be required to meet conditions imposed by the Council. A list of conditions that may be applicable is attached to this Policy as Appendix A. (Application of conditions is to be determined on a case by case basis).

In addition to those conditions listed in Appendix A, the Council may apply any other conditions that it feels are necessary to achieve the objectives of this Policy.

Failure to comply with any condition will lead to cancellation of the licence.

## **I. Means for Addressing Matters**

In deciding whether to grant the applicant consent for temporary use of public space for construction purposes, the Council shall consider whether and to what extent the following objectives and/or initiatives have been undertaken by the applicant

### **General**

1. All traffic ways will be maintained firm and readily negotiable to traffic under all weather conditions.
2. Temporary paths and covered walkways must be adequately illuminated at night with artificial lighting installed to the appropriate levels.
3. Where a hazard is identified or arises from work carried out, all practicable steps must be taken to minimise, isolate and eliminate such a hazard.
4. Where a hazard exists, this must be clearly advertised with signs.
5. Work sites must be appropriately fenced and/or barricaded to prevent access to it by any unauthorised person.
6. Parking of plant and equipment must comply with all bylaws, traffic regulations and permanent or temporary restrictions. There shall be no unreasonable inconvenience to either vehicles or pedestrians.
7. No materials or equipment shall be stored in a public space without the approval of the Council.
8. No fires shall be lit on the subject site at any time.
9. No hazardous chemicals shall be stored or used on the site at anytime, without the prior written approval of the Council.
10. There shall be no drops, gaps or other openings in the ground, without first securing the site so as to prevent injury to any member of the public.

### **Public Transport**

11. In the event that the intended works affect access to bus stops or where pedestrians are affected getting to and from public transport, consultation with the passenger transport operator is required.
12. Temporary relocation of bus stops may be required.

### **Temporary Traffic Signals**

13. Temporary traffic or hazard signals shall be erected in accordance with Transit New Zealand's Code of Practice for Temporary Traffic management.

### **Normal Hours of Work**

14. Work must not be carried out on major carriageways during times of peak traffic flows.
15. No work shall be carried out on an arterial road and the developer must make good any work in progress. during the following times of the year:
  - 24 December – 6 January;
  - Easter break and week following;
  - July School Holidays;
  - Labour Weekend; and

- Queenstown Winter Festival week.

For the purposes of this Policy, arterial roads are deemed to include:

Queenstown

- Stanley Street
- Shotover Street
- Lake Esplanade
- Camp Street
- Rees Street
- The Mall
- Church Street
- Ballarat Street
- Beach Street
- Athol Street
- State Highway 6

Wanaka

- Ardmore Street
- Helwick Street
- Dunmore Street
- Brownston Street
- Dungarvon Street

Arrowtown

- Ramshaw Lane
- Buckingham Street
- Arrow Lane

### **Noise Control**

16. All works are to be carried out accordance with the requirements of NZS 6803:1999 and the Queenstown Lakes District Proposed District Plan provisions.
17. Hours of work are to be advised prior to works being undertaken. Except in exceptional circumstances, no work is permitted to take place at night (7pm to 8am).
18. In order to avoid unreasonable nuisance to nearby public, such as restaurants, cafes, shops, events, businesses, hospitals, and schools, the following measures to minimise nuisance shall be considered:
  - (a) Work shall only be carried out during specified hours;
  - (b) Periods of reduced noise during lunch time hours (11.30am to 1.30pm);
  - (c) Notification to persons that may potentially be adversely affected by noise, either by mail drop or public notice.

### **Parking**

19. Parking of vehicles on or around the site is restricted to construction vehicles needed for site works (and to the number of parks approved for this use).
20. Where parking meter or any other restricted parking areas are to be used for construction or traffic purposes they must be approved by the Council and any associated fees and/or compensation paid to the Council.
21. The applicant must address the impact on public parking associated with the proposed works.

### **Access to Properties**

22. Vehicle and pedestrian access to all properties must be maintained at all times, unless the relevant property owner/occupier agrees to alternative arrangements.

### **Use of Temporary Steel Plates**

23. When using steel plates in conjunction with any construction works, the following conditions apply
- (a) Steel plates must be skid resistant, secured, and cushioned with rubber matting to prevent rocking, moving and/or noise;
  - (b) 'Uneven surface' road works signs must be displayed;
  - (c) 'Slippery surface' warning signs must be displayed;
  - (d) Any ramps must be adequately secured to the surface and maintained for the duration of work; and
  - (e) Plates must not interfere with any drainage patterns.

### **Information Signs**

24. Information signs are to be erected at the approaches to all proposed works.  
25. Information signs must be erected at least one week prior to works commencing.  
26. The following information shall be clearly shown on all information signs:
- (a) Project Description;
  - (b) Contractor;
  - (c) Contact Details;
  - (d) Planned commencement and completion dates; and
  - (e) Any safety warning or alternative access arrangements.
27. Information signs shall be erected in such a way that they do not cause a nuisance to the public.

### **Work in Carriageways**

28. A minimum lane width of 3.6 metres is to be maintained on all arterial and collector roads.  
29. Temporary walkways must be at least 1.2 metres wide and must not affect other minimum lane widths.  
30. Where necessary, temporary walkways must be covered (ie in the form of a gantry) to prevent any overhead hazard causing nuisance or injury.

### **Pedestrian Needs**

31. A safe pedestrian route must be maintained at all times on the same side of the road where any footpath is obstructed.  
32. Where the proposed works are likely to restrict pedestrian access to shops or services, a temporary pedestrian ramp/bridge of suitable materials is to be provided.  
33. If at any time materials are to be conveyed above a pedestrian walkway, then:
- (a) A solid tunnel must be created to protect pedestrians; or
  - (b) Work staff must be available at either end of the pedestrian walkway to stop pedestrians and direct them to an alternative safe route.

### **Traffic Management Equipment**

34. All equipment, signs, cones, barricading and fencing must be clearly visible at all times including during night time hours.  
35. The contractors must ensure that all signs are suitably weighted to ensure that they remain in place during adverse weather conditions, and do not create a hazard.

36. All barricades and fencing are to be maintained in a stable and secure condition and ensure safe passage for all traffic including pedestrians.

### **Fencing and Gantries**

37. Fences shall be designed to:

- (a) Fencing must be a minimum of 1.1 metres high
- (b) Fence construction must be capable of sustaining, without failure or undue deflection, a force at any point of 70kg vertically and 45kg horizontally acting separately. An acceptable fence may be constructed with galvanised chainlink netting having a maximum sized grid of 50mm x 50mm.
- (c) Have a secure supportive top and bottom rail;
- (d) Have a bottom rail a maximum of 100mm above ground level;
- (e) Be continuous around any hazard;
- (f) Be clipped or joined together;
- (g) Remain upright and stable under all expected conditions
- (h) Be screened with wind cloth over chain mesh, where necessary; and
- (i) Be free of sharp edges and objects.

38. Gantries shall be constructed in accordance with the above requirements for fences, and in addition, shall be designed to:

- (a) Have an overhead clearance platform of at least 2.4m above the walkway surface;
- (b) The clearance platform shall be constructed of either close-buttet timber at least 50mm thick, or of steel plate having a minimum thickness of 5mm; and
- (c) The clearance platform shall be sufficiently watertight to prevent water dripping on walkway users.

### **J. Responsibility**

CivicCorp shall be responsible for Licences and any other applications made under this Policy.

CivicCorp shall be responsible for Enforcement of this Policy.

## Queenstown Lakes District Council

### Temporary Use of Public Space for Construction Purposes Policy

#### Appendix A – List of Applicable Conditions

##### Consideration of Others / Noise

- A. *At least 5 days prior to any works commencing, the Applicant shall notify (by mail or public advertisement) any person/landowner/proprietor that may be potentially affected by the proposed works. (For the purposes of this condition, affected persons are considered to be any person working or residing within 100m of the subject site).*
- B. No work shall be carried out on an arterial road, and the developer must make good any work in progress, during the following times of the year:
- 24 December – 6 January;
  - Easter break and week following;
  - July School Holidays;
  - Labour Weekend; and
  - Queenstown Winter Festival week.

For the purposes of this Policy, arterial roads are deemed to include:

##### Queenstown

- Stanley Street
- Shotover Street
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- Camp Street
- Rees Street
- The Mall
- Church Street
- Ballarat Street
- Beach Street
- Athol Street
- State Highway 6

##### Wanaka

- Ardmore Street
- Helwick Street
- Dunmore Street
- Brownston Street
- Dungarvon Street

##### Arrowtown

- Ramshaw Lane
- Buckingham Street
- Arrow Lane

- C. The Applicant is responsible for ensuring that only low noise activities are undertaken between the following day time hours: 11.30am and 1.30pm.
- D. The Applicant is responsible for ensuring that no work is undertaken between the following night time hours: 7pm and 8am.
- E. The Applicant is responsible for ensuring that no work is undertaken on arterial roads between the following peak traffic flow periods: 8am to 9am & 5pm to 6pm.

- F. The Applicant is responsible for ensuring that all works are undertaken in accordance with the requirements of NZS 6803:1999 and the Queenstown Lakes District Proposed District Plan provisions.
- G. Either the Applicant or an agent of the Applicant must be contactable at all times in case of a dangerous or unacceptable situation occurring.

### **Signs**

- H. The Applicant is responsible for ensuring that information signs are erected at all approaches to the proposed works at least one week prior to works commencing. Each sign shall contain the following information:
  - (a) Project Description;
  - (b) Contractor;
  - (c) Contact Details;
  - (d) Planned commencement and completion dates; and
  - (e) Any safety warning or alternative access arrangements.
- I. The Applicant is responsible for ensuring that information signs do not cause a nuisance to any person.

### **Parking and Access**

- J. The Applicant is responsible for ensuring that legal right of access is maintained to all adjoining properties.
- K. The Applicant is responsible for ensuring that only vehicles directly associated with construction may be parked on land subject to the application for temporary use of public space.
- L. The Applicant is responsible for ensuring that all vehicles parked within the subject site display a permit.

### **Use of Steel Plates**

- M. The Applicant is responsible for ensuring that:
  - (a) Steel plates are skid resistant, secured, and cushioned with rubber matting to prevent rocking, moving and/or noise;
  - (b) 'Uneven surface' road works signs are displayed;
  - (c) 'Slippery surface' warning signs are displayed;
  - (d) Any ramps must be adequately secured to the surface and maintained for the duration of work; and
  - (e) Plates must not interfere with any drainage patterns.

### **Traffic Flow**

- N. The Applicant is responsible for ensuring the safe and efficient flow of traffic over the subject site.
- O. The Applicant is responsible for ensuring a minimum lane width of 3.6 metres is maintained on the carriageway at all time.

- P. The Applicant is responsible for ensuring the subject site is in a safe and readily trafficable condition at the end of each day's work.
- Q. The Applicant is responsible for ensuring that there are no trucks or other large vehicles waiting on or adjacent to the subject site, in such a way that traffic flows are obstructed.
- R. The Applicant is responsible for ensuring that, where access to bus stops is affected or pedestrians are affected getting to and from public transport, consultation has been undertaken with the relevant transport operator prior to works commencing.
- S. Authorisation must be obtained from Transit New Zealand and presented to the Council prior to any works taking place.
- T. The Applicant is responsible for ensuring Temporary traffic and hazard signals are erected in accordance with Transit New Zealand's Code of Practice for Temporary Traffic Management.
- U. The Applicant is responsible for ensuring that vehicle movements do not damage Council infrastructure (eg curbs, channels, road surface).
- V. The Applicant is responsible for ensuring that no materials (eg concrete slabs, retainers) are dropped or impact on the subject site.

### **Pedestrian Traffic**

- W. The Applicant is responsible for ensuring the safe and clear passage of pedestrian traffic around the subject site.
- X. The Applicant is responsible for ensuring that temporary pedestrian paths and gantries are adequately illuminated at night with artificial lighting at an appropriate height.
- Y. The Applicant is responsible for ensuring that a pedestrian walkway at least 1.2 metres wide is erected in accordance with the following specifications:
  - (a) Fencing must be a minimum of 1.1 metres high, except along the entire frontage of the site, where the height must be 2 metres;
  - (b) Fence construction must be capable of sustaining, without failure or undue deflection, a force at any point of 70kg vertically and 45kg horizontally acting separately. An acceptable fence may be constructed with galvanised chainlink netting having a maximum sized grid of 50mm x 50mm.
  - (c) Fencing must have a secure supportive top and bottom rail;
  - (d) Fencing must have a rail a maximum of 100mm above ground level;
  - (e) Fencing must be continuous around any hazard;
  - (f) Fencing must be clipped or joined together;
  - (g) Fencing must remain upright and stable under all expected conditions; and
  - (h) Fencing must be free of sharp edges and objects.
- Z. The Applicant is responsible for ensuring that a gantry at least 1.2 metres wide is erected in accordance with the following specifications:

- (a) Gantry construction must be capable of sustaining, without failure or undue deflection, a force at any point of 70kg vertically and 45kg horizontally acting separately. An acceptable fence may be constructed with galvanised chainlink netting having a maximum sized grid of 50mm x 50mm.
- (b) Fencing must have a secure supportive top and bottom rail;
- (c) Fencing must have a rail a maximum of 100mm above ground level;
- (d) Fencing must be continuous around any hazard;
- (e) Fencing must be clipped or joined together;
- (f) Fencing must remain upright and stable under all expected conditions; and
- (g) Fencing must be free of sharp edges and objects;
- (h) The gantry must have an overhead clearance platform of at least 2.4m above the walkway surface;
- (i) The gantry's clearance platform must be constructed of either close-butted timber at least 50mm thick, or of steel plate having a minimum thickness of 5mm; and
- (j) The gantry's clearance platform shall be sufficiently watertight to prevent water dripping on walkway users.

### **Utilities**

- AA. The Applicant is responsible for ensuring that consultation takes place with any utility operator who may be affected by the proposed works, prior to works commencing.
- BB. The Applicant is responsible for identifying all services affected by the proposed works.
- CC. The Applicant is responsible for ensuring that all service connections and minor works undertaken in retail/business areas are reinstated within 36 hours.

### **Vibration and Dust**

- DD. The Applicant is responsible for ensuring that pro-active measures are taken to reduce vibration associated with the proposed activity.
- EE. The Applicant is responsible for ensuring that pro-active measures are taken to reduce dust associated with the proposed activity.

### **Protection of Public Space from Damage**

- FF. The Applicant is responsible for ensuring no tracked vehicles are used on Council property.
- GG. The Applicant shall hold a current Public Liability Insurance Policy with a minimum cover of NZ\$2m (two million dollars) which includes a Local Authority Extension Clause.
- HH. The Applicant is responsible for ensuring that all Contractors engaged to work on behalf of the Applicant hold Public Liability Insurance Policy with a minimum cover of NZ\$2m (two million dollars).

- II. The Applicant is responsible for ensuring that the condition of road and other markings/signs are reinstated to the original condition and position within 24 hours of completion of works. It is the Applicant's responsibility to document the state of the public space prior to and following completion of works.
- JJ. The Applicant is responsible for ensuring that no land is dug up or excavated within the subject site, without Council's prior written consent.
- KK. The Applicant is responsible for ensuring that all grounds, yards, gardens and similar surfaces are maintained in a clean and tidy state.
- LL. Prior to any works commencing, the Applicant shall provide to the Council a bond to compensate any potential financial risk to the Council or any other party. (*The amount of that bond shall be determined on a case by case basis*).
- MM. The cost of installation, maintenance, removal and reinstatement of all signs and road makings shall be met by the Applicant.

#### **Storage of Materials**

- NN. The Applicant is responsible for ensuring no materials or equipment are stored on the subject site.
- OO. The Applicant is responsible for ensuring that no rubbish is allowed to accumulate on the land.

#### **Compliance with Conditions**

- PP. Where the conditions of approval for the use public space for construction purposes are not met, the Council may withdraw their consent without compensation to the Applicant.